IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

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THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.44333 of 2006
and M.P.Nos.1 & 2 of 2006

K.Basool Rahman ... Petitioner

Vs.

The Managing Director,
Tamilnadu Water Supply and Drainage Board,
No.31, Kamaraj Salai,
Chepauk, Chennai - 600 005. ... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent proceeding No.45043/Estt/(Per)/A5/2006-35 dated 18.10.2006 deferring the promotion of the petitioner in paragraph 3 from the post of Assistant Executive Engineer to the post of Executive Engineer and quash the same and to direct the respondent to consider the Regular Promotion of the petitioner to the post of Executive Engineer in the respondent Board.

For Petitioner : Mr.S.Thiruvenkataswamy

For Respondent : Mr.K.Ravikumar
Additional Government Pleader

O R D E R

This Writ Petition has been filed to call for the records of the respondent in proceeding No.45043/Estt.(Per)/A5/2006-35 dated 18.10.2006 deferring the promotion of the petitioner from the post of Assistant Executive Engineer to the post of Executive Engineer and quash the same, and to direct the respondent to consider the Regular Promotion of the petitioner to the post of Executive Engineer in the respondent board.

2. The case of the petitioner is that the petitioner was joined the service of the respondent board as Assistant Engineer on 14.11.1977 and thereafter, promoted as Assistance Executive Engineer on 22.10.1987. After acquiring various level of promotion and when he was serving as Assistant Executive

Engineer, he was issued a charge memo by the respondent on 07.11.1998 alleging that there was a lapses in the execution of rejuvenation works and repair of tanks which he performed in various places, and subsequently, he was also placed under suspension by an order dated 15.09.1998 by the respondent. Thereafter, the matter was referred to the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Cuddalore registered a Criminal case on 16.07.1999. Even though the enquiry was over, the suspension was not revoked by the respondent. Against which the petitioner filed W.P.Nos.19458 of 2003 to 19461 of 2003 and this Court granted interim stay and same was made absolute on 04.09.2003.

3. However, this Writ Petition was filed by the petitioner at the age of 53 and in the year 2006. After a lapse of 11 years, I do not find anything survives for adjudication. Furthermore, since there were a pending disciplinary proceedings and the criminal case against the petitioner, the respondent had rightly deferred the promotion against the petitioner, and hence, this Court finds no infirmity in the order passed by the respondent and accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

The Managing Director,
Tamilnadu Water Supply and Drainage Board,
No.31, Kamaraj Salai,
Chepauk, Chennai - 600 005.

+1cc to Government Pleader in sr.no.30378

W.P.No.44333 of 2006
and M.P.Nos.1 & 2 of 2006

nr 12/06/2018